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C O N F I D E N T I A L SECTION 01 OF 03 SKOPJE 000953

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STATE FOR EUR/SCE (PFEUFFER)

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SUBJECT: MACEDONIA: POLICE LAW IMPASSE:GOM-OPPOSITION TALKS
INCH FORWARD

REF: SKOPJE 880

Classified By: P/E CHIEF SHUBLER, REASONS 1.4(B) AND (D).

SUMMARY.

¶1. (C) The parliamentary impasse between the VMRO-DPMNE-led government and ethnic Albanian opposition party DUI over the draft police law continues, with DUI insisting that it will not respect the police law unless it is passed with a qualified (Badinter) majority. PM Gruevski and DUI President Ahmeti met twice this week -- we brokered their first-ever substantive encounter -- to discuss steps they might take to advance their agendas. The first meeting occurred after Ahmeti failed in his gambit to win U.S. and government support for an initiative to have President Crvenkovski convene the 2001 Framework Agreement (FWA) signatories for broader political discussions on DUI's concerns regarding FWA implementation.

¶2. (C) Although we are pleased the two leaders have finally entered into civil discussions on their political agendas, we do not expect any sudden breakthroughs on the police law or on wider demands by DUI, including a language law. We will continue to press the government to look for ways to be more proactive in consulting DUI on important laws, especially those (unlike the police law) on which a Badinter vote is clearly required, provided DUI is willing to retreat from its stated aim of democratically forcing the collapse of the Gruevski government in hopes of winning a place in a future governing coalition. End Summary.

IMPASSE OVER POLICE LAW

¶3. (SBU) A legislative impasse with ethnic Albanian opposition party DUI continues over the draft police law which the VMRO-DPMNE-led government submitted in late September for parliamentary debate. The government rejects DUI claims that the law requires a qualified majority (so-called "Badinter majority") to pass. In addition, it has tried to stack the parliamentary committee on inter-ethnic relations that determines whether legislative initiatives are subject to the Badinter requirement. (NOTE: The Badinter principle gives ethnic minorities a stronger hand -- but not necessarily a veto -- in passing legislation concerning culture, use of language, local government, and education.)

¶4. (SBU) DUI argues that failure to apply the Badinter requirement is a violation of the 2001 Framework Agreement,

and has vowed not to respect the police law if it is passed without a qualified majority vote. As the party with the largest share of the ethnic Albanian vote in this year's parliamentary elections, DUI believes it enjoys the political legitimacy to press such demands. At the same time, DUI leaders have been telling us privately that their sole aim is to cripple the current governing coalition to pave the way for new elections, possibly in 2007.

15. (SBU) COMMENT: Our assessment, shared by our OSCE and EU colleagues, is that the Badinter requirement does not technically apply in this case. However, we have argued publicly and privately that the government should pursue the broadest possible political consensus in support of the police law.

PRESSING FOR GREATER GOM FLEXIBILITY VIS-A-VIS DUI

16. (C) On September 29, the Ambassador spoke by phone with PM Gruevski, urging him to show a greater understanding of DUI's concerns. She noted that two amendments to the law proposed by ethnic Albanian governing coalition partner DPA had provided a political opening for addressing DUI concerns. Gruevski should pursue that line in search of a broader consensus for the draft law, she said. She also noted that the attempt to stack the parliamentary inter-ethnic relations was damaging to Macedonia's image and flouted the spirit of the FWA. Later that afternoon, DPA withdrew one of those amendments under pressure from eMacedonian opposition leader SDSM. (Comment: SDSM reportedly traded its support for the law, provided that amendment was dropped. In the process, SDSM's action made it even less likely that DUI would support the bill. End Comment.)

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DUI LETTER PROPOSES FWA SIGNATORIES MEETING ON POLICE LAW AND BROADER AGENDA

17. (C) On October 2, following an urgent request for a meeting over the weekend, DUI President Ali Ahmeti met with the Ambassador in Skopje to ask for her views on a draft open letter from DUI and their coalition partner PDP stressing the need for the GOM to respect the Badinter principle and FWA regarding the police law. The letter also called for a meeting between DUI and the 2001 FWA signatories (US, EU, governing VMRO-DPMNE, DPA, and SDSM), sponsored by President Crvenkovski, to discuss FWA implementation and the police law. The Ambassador demurred, noting that a smaller, more private format for discussions would be preferable as a starting point for discussions. She suggested a possible meeting at her residence or the Embassy between Ahmeti and Gruevski, with US and EU representatives present.

GRUEVSKI REJECTS DUI PROPOSAL

18. (C) The Ambassador met later that day with PM Gruevski to discuss the letter and her alternate proposal to start private meetings at a lower level. Gruevski ultimately rejected the DUI proposal. He said there was no need for international community (IC) mediation on these matters, nor did he trust other parties to keep such discussions confidential. In addition, he did not want to meet at the

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Embassy, at a diplomatic residence, or in the presence of foreign ambassadors. In a meeting the following day (October 3), the Ambassador asked President Crvenkovski for his views on the DUI proposal. Citing Gruevski's stated refusal to participate, Crvenkovski said the idea would be a non-starter. However, he said he was willing to convene a meeting of key political leaders and IC representatives if that could be useful for restarting dialogue.

GETTING TO KNOW YOU....

¶9. (C) Despite Gruevski's initial rejection of any IC involvement in a meeting, his office asked the Embassy and EUSR office to arrange a Gruevski-Ahmeti meeting the evening of October 2. After several attempts to arrange those discussions, Gruevski and Ahmeti asked to meet the following morning at the US Embassy, with the Ambassador and an EUSR representative present (the EUSR himself was out of the country).

¶10. (C) The two leaders met at the Embassy the next day in their first substantive encounter ever. They discussed the earlier coalition negotiation process, police law, composition of the committee on inter-ethnic relations, and other broader political issues concerning FWA implementation. Although there were no real breakthroughs or dramatic shifts in position over the course of their 2.5 hour conversation, the dialogue was civil and respectful. Both leaders agreed it had been useful to meet face-to-face, since neither knew the other apart from what they had seen or read in the media.

¶11. (C) When the specifics of the police law were raised, however, the mood appeared to shift. Gruevski offered to meet with Ahmeti later that evening to discuss details of the draft law. Ahmeti refused, saying he would only discuss the police bill in the context of a "package" which would have to include the language law and other FWA implementation issues. Gruevski agreed to address those issues in separate "political talks." He also suggested the police law, once passed, could later be amended to reflect DUI concerns. Clearly retreating, Ahmeti claimed his "mandate" from the grassroots required him to address all of the key issues cited in a package discussion. The Ambassador asked both sides to avoid allowing the "perfect to become the enemy of the good." She urged further flexibility and readiness to compromise. The two leaders agreed to think more about next steps.

CONTINUING THE DIALOGUE BY PROXY

¶12. (C) The dialogue continued on October 5 during discussions between DUI VP Teuta Arifi and VMRO-DPMNE VP Silvana Boneva, jointly sponsored by the U.S. Embassy and EUSR. Both Arifi and Boneva agreed on the need for further

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dialogue, but Arifi was adamant that DUI would not vote for the draft police law unless it was passed with a Badinter majority. Noting that DUI had retreated from its attempts to block discussion of the second reading of the law, which had begun October 2, Arifi said DUI would now table instead a lengthy series of amendments to prolong parliamentary beyond October 6, when the government hoped to pass the draft legislation. Boneva admitted that the government was concerned that the SDSM party convention on October 7 could result in a change in leadership that would cause that party to back away from its support for the draft law. Hence the rush to finish voting on the law by October 6, which DUI vehemently opposed.

GRUEVSKI-AHMETI ROUND TWO -- INCHING FORWARD

¶13. (C) Overcoming his earlier hesitation, Ahmeti agreed to meet again with Gruevski the evening of October 5, this time at the residence of the EUSR. They requested that EUSR provide the venue, but not be present during the discussions. Both were alone at the meeting, which they conducted through an interpreter, and there no press leaks, as was the case with the October 3 U.S. Embassy get-together. According to the EUSR, who met with the two after they completed their discussion, there were positive "body language" indications that the talks had been constructive. Both agreed to designate senior advisers to work on a way forward on the broader political agenda, although there was no agreement on how to proceed with the police law.

COMMENT -- SQUARING THE CIRCLE

¶14. (C) Although we are pleased that Gruevski and Ahmeti finally are talking after months of icy refusal to communicate directly, except through the media, there are limits to how far the dialogue is likely to go. We do not expect any major breakthroughs this early on in the game. At stake for DUI is much more than the final form the police law will take. DUI believes they were cheated out of a place in the governing coalition, and is set on using all democratic means to cripple the government in order to force new elections, perhaps in 2007.

¶15. (C) It appears the only way to get DUI to moderate its behavior is if the government agrees to more intensive consultations with the party well in advance of action on legislation it knows is important to DUI leaders and their grassroots supporters. The logic behind such an approach lies in the fact that DUI's supporters reflect the clear majority of the eAlbanian electorate, and in the fact that DUI controls all but one of the predominantly eAlbanian municipalities in Macedonia. As a result, a more consultative approach to the DUI leadership is likely to result in more effective implementation of laws requiring a Badinter vote and even of the police law, which does not.

¶16. (C) Were the government to take such a consultative approach, it might find DUI more willing to reconsider its current "scorched earth" tactics. We will urge the government to take that step, and will continue impressing upon DUI leaders the importance of avoiding pyrrhic victories, and instead focus on influencing legislation that will benefit their constituents.
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